



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

11/13/02
#9

Applicant(s) William H. Barber

Serial No. 09/578,631

Filed: 25 May 2000

Group Art Unit: 3627

Examiner: Francis
John
Bartuska

Attorney 387953
Docket Number

For: DISK DISPENSING AND RETRIEVAL
SYSTEM AND ASSOCIATED METHODS
[amended]

Commissioner for Patents
Washington, D.C. 20231

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GROUP 3600

REQUEST FOR CORRECTION OF INVENTORSHIP
Under 37 CFR 1.48(a)

Dear Sir:

Applicants request a change of inventorship in accordance with the provisions of 37 CFR 1.48(a), as the correct inventors were not named in the executed oath of the present application.

1. Applicants request correction of inventorship to list the following persons as the actual inventors of this application:

William H. Barber

Philip J. Tomasi

2. Statement from erroneously omitted inventor Philip J. Tomasi is provided to show that the error in inventorship occurred without deceptive intent.

11/07/2002 SSITHIB1 00000068 09578631

02 FC:1460

130.00 0P

CERTIFICATE UNDER 37 CFR 1.8(a) and 1.10

I hereby certify that, on the date shown below, this correspondence is being

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Michelle Ford
Michelle Ford

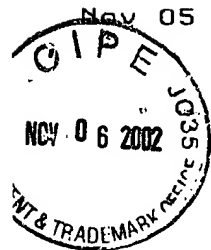
3. A new oath/declaration is being submitted by the actual inventors as permitted by 37 CFR §1.42 or 1.43 or 1.47;

4. A check in the amount of \$130.00 is enclosed in accordance with 37 CFR §1.17(i);

Respectfully submitted,

Date: 11-6-02

Curtis A. Vock
Curtis A. Vock, Reg. No. 38,356
LATHROP & GAGE L.C.
4845 Pearl East Circle, Suite 300
Boulder, Colorado 80301
Tele: (720) 931-3011
Fax: (720) 931-3001



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IN THE UNITED STATES PATENT OFFICE

Applicant(s):	William H. Barber et al.	Group Art Unit:	3627
Serial No.	09/578,631	Examiner:	Francis John Bartuska
Filed:	25 May 2000	Attorney Docket No.	387953
For:	DISK DISPENSING AND RETRIEVAL SYSTEM WITH AUTOMATED QUALITY CONTROL AND INTERNET USAGE FEEDBACK		

Commissioner for Patents
Washington, D.C. 20231

CONSENT OF ASSIGNEE TO CHANGE INVENTORSHIP

Pursuant to 37 CFR §3.73(b), the undersigned certifies that he is the Chief Executive Officer of FreeFlyr, Inc., and as such is authorized to act on behalf of FreeFlyr, Inc., that FreeFlyr, Inc. is owner by assignment of the entire right, title and interest in the patent application identified above and any patent to issue there from; and a copy of the Assignment document is submitted herewith.

As the proper Assignee of the invention described in Serial No. 09/578,631, FreeFlyr, Inc. hereby consents to the change of Inventorship referenced herein.

William H. Barber
Chief Executive Officer
FreeFlyr, Inc.

CERTIFICATE UNDER 37 CFR 1.8(a) and 1.10

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): William H. Barber et al.

Serial No. 09/578,631

Filed: 25 May 2000

For: DISK DISPENSING AND
RETRIEVAL SYSTEM WITH
AUTOMATED QUALITY
CONTROL AND INTERNET
USAGE FEEDBACK

Group Art Unit: 3627

Examiner: Francis John
Bartuska

Attorney Docket
Number 387953

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GROUP 3600

Commissioner for Patents
Washington, D.C. 20231

STATEMENT OF INVENTOR

1. I, Philip J. Tomasi, state that I am an inventor on U.S. Patent Application No. 09/578,631, filed 25 May 2000, entitled Disk Dispensing and Retrieval System With Automated Quality Control and Internet Usage Feedback
2. I state that through error, I was improperly omitted as an inventor of the above-identified patent application.
3. I hereby state that this error occurred without deceptive intention on my part.

Date: 11/05/02

Philip J. Tomasi

CERTIFICATE UNDER 37 CFR 1.8(a) and 1.10

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Michelle Ford

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Approved for use through 10/31/2002. OMB 0651-0032

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**DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1.63)**

☐ Declaration
Submitted
With Initial
Filing

OR

☒ Declaration
Submitted after Initial
Filing (surcharge
(37 CFR 1.16 (e))
required)

Attorney Docket Number 387953**First Named Inventor** William H. Barber et al.**COMPLETE IF KNOWN****Application Number** 09/578,631**Filing Date** 25 May 2000**Group Art Unit** 3627**Examiner Name** Francis John Bartuska**As a below named inventor, I hereby declare that:**

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

DISK DISPENSING AND RETRIEVAL SYSTEM WITH AUTOMATED QUALITY CONTROL AND INTERNET USAGE
FEEDBACK

the specification of which (Title of the Invention)

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY)

05/25/2000

as United States Application Number or PCT International

Application Number 09/578,631 and was amended on (MM/DD/YYYY) (Herewith) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as amended specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY) Country	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.
60/135,854 60/143,601	25 May 1999 13 July 1999	

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 21 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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PTO/SB/01 (10-00)

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DECLARATION — Utility or Design Patent Application

Direct all correspondence to:		<input checked="" type="checkbox"/> Customer Number or Bar Code Label		30955		OR		<input type="checkbox"/> Correspondence address below	
Name									
Address									
Address									
City		State		ZIP					
Country		Telephone				Fax			
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.									
NAME OF SOLE OR FIRST INVENTOR:				<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name		William H.		Family Name or Surname		Barber			
Inventor's Signature						Date			
Residence: City		State		Country		Citizenship			
Thousand Oaks		CA		USA		USA			
Mailing Address 1845 Brush Oak Court									
Mailing Address									
City		State		ZIP		Country			
Thousand Oaks		CA		91320		USA			
NAME OF SECOND INVENTOR:				<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name		Philip J.		Family Name or Surname		Tomasi			
Inventor's Signature						Date			
Residence: City		State		Country		Citizenship			
Newbury Park		CA		USA		USA			
Mailing Address 1115 Del Verde Court									
Mailing Address									
City		State		ZIP		Country			
Newbury Park		CA		91320		USA			
<input type="checkbox"/> Additional Inventors are being named on the supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.									

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IN THE UNITED STATES PATENT OFFICE

Patent Application Serial No. 09/578,631)

Group No.: 3627)

Filed: May 25, 2000)

Examiner: F. Bartuska)

 Title: DISK DISPENSING AND RETRIEVAL SYSTEM)
 WITH AUTOMATIC QUALITY CONTROL)
 AND INTERNET USAGE FEEDBACK)

Inventors: William H. Barber)

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 GROUP 3600

 DECLARATION OF WILLIAM H. BARBER
 IN ACCORDANCE WITH 37 CFR §1.131

I, William H. Barber, hereby declare:

1. I am a named inventor in U.S. Patent Application No. 09/578,631 (the '631 Application), filed on May 25, 2000.
2. I currently reside at 1845 Brush Oak Court, Thousand Oaks, CA 91320; I have obtained the following university degrees: B.A. (UCSB, 1987), M.B.A. (CU, 1998)
3. I am a founder, CEO and president of Freeflyr, Inc., which owns all right, title and interest in and the '631 Application.
4. I have studied and understood the specification and claims in the '631 Application. The claims of the '631 Application generally relate to a disk dispensing and retrieval system, and methods thereof, such as to dispense a DVD to users.
5. I have read and understood the contents of the Office Action dated May 8, 2002 for this '631 Application.
4. I have read and understood the references cited by the Examiner in the Office Action of May 8, 2002, in particular, United States Patent No. 6,182,857, issued February 6, 2001 to Hamm et al.
5. This Declaration is being presented under 37 C.F.R. §1.131 to show prior invention by virtue of conception prior to the effective filing date (December 31, 1998) of Hamm et al. and continued due diligence from conception to an effective reduction to practice in the effective filing date of the '631 Application.
6. Attached hereto are Exhibits 1-19, which are copies from my lab notebook ("Lab Notebook") stored in a safe deposit box at Wells Fargo Bank, 140 E. Thousand Oaks Blvd Thousand Oaks, CA 91360.

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7. Exhibit 1 is one page of the Lab Notebook dated June 17, 1998 and describing (a) a design for a disk dispensing and retrieval system and (b) a plan for prototyping the disk dispensing and retrieval system in 1998.
8. Exhibit 2 is one page of the Lab Notebook dated June 22, 1998 and describing meetings with lawyers at the law firms of Chrisman, Bynum & Johnson and Cooley Godward; these meetings included discussions regarding the patenting of the disk dispensing and retrieval system.
9. Exhibit 3 consists of two pages of the Lab Notebook dated June 23, 1998 and illustrating possible disk configurations for the disk dispensing and retrieval system.
10. Exhibit 4 is one page of the Lab Notebook dated June 26, 1998 and describing a telephone call with Cooley Godward and further development of the disk dispensing and retrieval system with Philip Tomasi, another named inventor of this '631 Application.
11. Exhibit 5 is one page of the Lab Notebook dated June 30, 1998 and describing (a) market research for the disk dispensing and retrieval system and (b) a meeting with North Communications, which was considered a possible commercialization partner.
12. Exhibit 6 consists of three pages of the Lab Notebook, dated July 2, 1998 through July 7, 1998, and describing (a) market research regarding Blockbuster video rentals, (b) further kiosk design illustrations, and (c) a confidential meeting with K.I.S. regarding engineering design for the disk dispensing and retrieval system.
13. Exhibit 7 is one page of the Lab Notebook dated July 31, 1998 and describing a conference call with Philip Tomasi and North Communication, regarding kiosk design particulars.
14. Exhibit 8 is one page of the Lab Notebook dated August 5, 1998 and describing a meeting with Gary Bloomer of the Boulder Technology Incubator, to assist in commercialization of the disk dispensing and retrieval system.
15. Exhibit 9 is one page of the Lab Notebook dated August 20, 1998 and describing a patent search and contact with CD equipment manufacturers.
16. Exhibit 10 consists of two pages of the Lab Notebook dated August 31, 1998 and describing a meeting with Philip Tomasi regarding a development plan for the disk dispensing and retrieval system; Exhibit 10 further describes purchase and installation of a DVD-ROM drive and touch screen prototype.
17. Exhibit 11 consists of two pages of the Lab Notebook dated September 27, 1998 and October 13, 1998, respectively, which describe testing of CD and DVD transport systems.
18. Exhibit 12 is one page of the Lab Notebook dated October 30, 1998 and describing signing a lease with Boulder Technology Incubator, to assist in commercializing the disk

dispensing and retrieval system.

19. Exhibit 13 is one page of the Lab Notebook dated November 2, 1998 and describing further development of the disk dispensing and retrieval system during a first residence day at the Boulder Technology Incubator.
20. Exhibit 14 is one page of the Lab Notebook dated November 5, 1998 and describing a meeting with the Chrisman, Bynum and Johnson law firm regarding forming a business entity to commercialize the disk dispensing and retrieval system.
21. Exhibit 15 consists of three pages of the Lab Notebook dated November 19, 1998, November 20, 1998, and November 23, 1998, respectively, and describing design particulars for the disk dispensing and retrieval system.
22. Exhibit 16 consists of two pages of the Lab Notebook dated December 7, 1998 and December 8, 1998, respectively, and describing meetings with potential lawyers and advisory board members to assist in commercializing the disk dispensing and retrieval system.
23. Exhibit 17 is one page of the Lab Notebook dated December 16, 1998 and describing further design issues for the disk dispensing and retrieval system.
24. Exhibit 18 consists of two pages of the Lab Notebook dated January 5, 1999 and January 6, 1999 (these pages incorrectly recite 1998), respectively, and describing further DVD kiosk development and meetings with lawyers to discuss forming an LLC to commercialize the disk dispensing and retrieval system; this LLC was formed January 15, 1999 as Freeflyr, LLC, which merged into Freeflyr, Inc. August 16, 2000.
25. Exhibit 19 is one page of the Lab Notebook setting forth press release collateral of the disk dispensing and retrieval system for use in public meetings after May 25, 1999; the press release was prepared during a period of January 1, 1999 and May 25, 1999.
26. From the fall of 1998 to May of 1999, I and Philip Tomasi prepared materials for filing of a patent application for the disk dispensing and retrieval system; that patent application was filed on May 25, 1999 as U.S. Application Serial No. 60/135,854 (the '854 Application) and included mechanical drawings for DVD transfer mechanisms, a prototype electronic layout and system architecture.
27. From May of 1999 to July of 1999, I and Philip Tomasi prepared materials for filing of a patent application for the disk dispensing and retrieval system; that patent application was filed on July 13, 1999 as U.S. Application Serial No. 60/143,601 (the '601 Application) and included mechanical drawings for DVD transfer mechanisms and source code.
28. The present '631 Application incorporates disclosure from, and claims priority to, the '854 Application and the '601 Application.

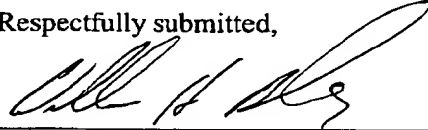
I hereby declare that all statements made herein of my own knowledge are true and that

all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the Application or any patent issued thereon.

Dated

11/04/2002

Respectfully submitted,

William H. Barber

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